

Planning and Zoning 1975 Lakeside Parkway, Suite 350

Tucker, GA 30084 Phone: 678-597-9040

Website: www.tuckerga.gov

# Land Use Petition Application

Type of Application: ☑ Rezoning □ Comprehensive Plan Amendment □ Special Land Use Permit □ Concurrent Variance □ Modification					
		APPLICANT IN	IFORMATION		
Applicant is the:	☐ Property Own	er 🗹 Owner':	s Agent	ntract Purchaser	
Name:	Jon Kontopidis				
Address:	1055 Howell Mill	Road, 8th Floor			
City:	Atlanta	State: Georg	ia	Zip: 30318	
Contact Name:	Jon Kontopidis				
Phone:	770.633.8439		Email: jon@	Papxassetmgmt.com	
		OWNER INF	ORMATION		
Name:	Kira Group LLC				
Address:	Address: 1055 Howell Mill Road, 8th Floor				
City:	Atlanta	State: Georg	jia	Zip: 30318	
Contact Name: Karen Tapelband					
Phone: 770.905.5959		Email: ktapelband@gmail.com			
PROPERTY INFORMATION					
Property Address: 5950 Hugh Howell Road					
Present Zoning District(s):		NS	Requested Zoning District(s): C-1		
Present Land Use Category:		NC	Requested Land L	Jse Category: N/A	
Land District: 18		Land Lot(s): 174		Acreage: 0.9504	
Proposed Development: N/A					
Concurrent Variance(s):					
RESIDENTIAL DEVELOPMENT					
No. of Lots/Dwelling Units: Dwelli		Dwelling Unit Size	e (Sq. Ft.): Density:		
NON-RESIDENTIAL DEVELOPMENT					
No. of Buildings/Lots:		Total Building Sq.	q. Ft.: Density:		

RZ-24-0005

LAND USE PETITION APPLICATION - REVISE RECEIVED

#### **APPLICANT'S CERTIFICATION**

THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 24 MONTHS FROM THE DATE OF LAST ACTION BY THE MAYOR AND CITY COUNCIL.

Signature of Applicant

Date

9-27-2024

Type or Print Name and Title

Signature of Notary Public

9/27/2024

ate Notary Se

Principa

LAND USE PETITION APPLICATION - REVISED 01082024

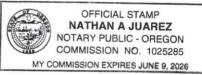
#### PROPERTY OWNER'S CERTIFICATION

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of DeKalb County, Georgia, of the property identified below, which is the subject of the attached Land Use Petition before the City of Tucker, Georgia. As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Rezoning (RZ), Comprehensive Plan Amendment (CA), Special Land Use Permit (SLUP), Modification (M) & Concurrent Variance (CV) in request of the items indicated below.

1, KavenTa	pel band	, authorize, <	Jon 4	(Applicant)	idis	
to file for	roperty Owner)  F KINA LLC.  Z, CA, SLUP, M, CV)	, at <u>5950</u>	0	31. 5. 11	Tucker.	Georgia
on this date	Deptember	23 (Day)	_, 20_24	-1		

- I understand that if a rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of twenty-four (24) months from the date of the mayor and city councils' final decision.
- I understand that if an application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before twenty-four (24) months have passed from the date of final decision by the mayor and city council on the previous special land use permit.
- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Tucker Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange additional permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

Karensamil	9/23/2	24	
Signature of Property Owner	Date		
Type or Print Name and Title	maging Memb		-
Nathasfracz	9-23-24		
Signature of Notary Public	Date	Notary Seal	ji i



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#### **ENVIRONMENTAL SITE ANALYSIS FORM**

Analyze the impact of the proposed rezoning and provide a written point-by-point response to Points 1 through 3:

1. **CONFORMANCE WITH THE COMPREHENSIVE PLAN**. Describe the proposed project and the existing environmental conditions on the site. Describe adjacent properties. Include a site plan that depicts the proposed project.

Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

- 2. **ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT**. For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).
  - a. Wetlands
    - U. S. Fish and Wildlife Service, National Wetlands Inventory (http://wetlands.fws.gov/downloads.htm)
    - Georgia Geologic Survey (404-656-3214)
    - Field observation and subsequent wetlands delineation/survey if applicable
  - b. Floodplain
    - Federal Emergency Management Agency (http://www.fema.org)
    - Field observation and verification
  - c. Streams/stream buffers
    - Field observation and verification
  - d. Slopes exceeding 25 percent over a 10-foot rise in elevation
    - United States Geologic Survey Topographic Quadrangle Map
    - Field observation and verification
  - e. Vegetation
    - United States Department of Agriculture, Nature Resource Conservation Service
    - Field observation
  - f. Wildlife Species (including fish)
    - United States Fish and Wildlife Service
    - Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
    - Field observation
  - g. Archeological/Historical Sites
    - Historic Resources Survey
    - Georgia Department of Natural Resources, Historic Preservation Division
    - Field observation and verification

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By Planning & Zoning at 4:05 pm, Oct 21, 2024

RZ-24-0005

#### **ENVIRONMENTAL SITE ANALYSIS FORM (CONTINUED)**

- 3. **PROJECT IMPLEMENTATION MEASURES**. Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.
  - a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.
  - b. Protection of water quality
  - c. Minimization of negative impacts on existing infrastructure
  - d. Minimization on archeological/historically significant areas
  - e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries, and manufacturing facilities) uses
  - f. Creation and preservation of green space and open space
  - g. Protection of citizens from the negative impacts of noise and lighting
  - h. Protection of parks and recreational green space
  - i. Minimization of impacts to wildlife habitats

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#### **DISCLOSURE REPORT FORM**

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

E ONE:	YES (if YES,	complete points 1 thro	ough 4);	(	NO of NO, complete only point 4)	
CIRCLE ONE:	Pa	arty to Petition (If p	arty to petition	complet	te sections 2, 3 and 4 below)	
	In	Opposition to Pet	<b>ition</b> (If in opp	osition, p	proceed to sections 3 and 4 below)	
List all indivi	duals or busin	ess entities which l	have an own	ership i	interest in the property which is the subject	
this rezoning	g petition:					
1.				5.		
2.				6.		
3.				7.		
4.				8.		
21110101		Amount	Contribut	.5//	at \$250.00 or more	
Name of Gov Official	ernment	Total Dollar	Date of		Enumeration and Description of Gift Valu	
			+			
	Elizabeth Vices		+			
					cordance with the Official Code of Georgia,	
to the under	/A-1 et. seq. ( signed's best	Conflict of interest i knowledge, informa	n zoning acti ation, and be	ons, an lief.	nd that the information set forth herein is tr	
	1.	1	م المناه			
N1 2 1 1 1 23	. 17					
Name (print)		) las	A STATE OF THE STA		9.18.2024	

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#### SITE PLAN CHECKLIST

All items must be included on the Site Plan; separate Site Plans may be necessary to address all items.

- 1. Key and/or legend and site location map with North arrow
- 2. Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning
- 3. Acreage of subject property
- 4. Location of land lot lines and identification of land lots
- 5. Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property
- 6. Proposed streets on the subject site
- 7. Posted speed limits on all adjoining roads
- 8. Current zoning of the subject site and adjoining property
- 9. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property
- 10. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvement or adjacent properties within 400 feet of the subject site based on the City's aerial photography or an acceptable substitute as approved by the Director
- 11. Location of proposed buildings (except single family residential lots) with total square footage
- 12. Layout and minimum lot size of proposed single family residential lots
- 13. Topography (surveyed or City) on subject site and adjacent property within 200 feet as required to assess runoff effects
- 14. Location of overhead and underground electrical and pipeline transmission/conveyance lines
- 15. Required and/or proposed setbacks
- 16. 100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps
- 17. Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed
- 18. Required and proposed parking spaces; Loading and unloading facilities
- 19. Lakes, streams, and waters on the state and associated buffers
- 20. Proposed stormwater management facilities
- 21. Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access
- 22. Availability of water system and sanitary sewer system
- 23. Tree lines, woodlands, and open fields on subject site
- 24. Entrance site distance profile assuming the driver's eye at a height of 3.5 feet
- 25. Wetlands shown on the County's GIS maps or survey
- 26. Mail kiosk location

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#### LAND USE PETITION CALENDAR

*Application Deadline	Planning Commission	M&CC 1 <sup>st</sup> Read	M&CC 2 <sup>nd</sup> Read
1/22/2024	3/21/2024	4/8/2024	5/13/2024
2/26/2024	4/18/2024	5/13/2024	6/10/2024
3/25/2024	5/16/2024	6/10/2024	7/8/2024
4/22/2024	6/20/2024	7/8/2024	8/12/2024
5/28/2024*	7/18/2024	8/12/2024	9/9/2024
6/24/2024	8/15/2024	9/9/2024	10/15/2024*
7/22/2024	9/19/2024	10/15/2024*	11/12/2024*
8/26/2024	10/17/2024	11/12/2024*	12/9/2024
9/23/2024	11/21/2024	12/9/2024	TBD
10/28/2024	12/18/2024	TBD	TBD
11/25/2024	TBD	TBD	TBD

<sup>\*</sup> Date shifted to accommodate holiday.

Incomplete applications will not be accepted.

#### **PUBLIC PARTICIPATION PLAN AND REPORT**

See separate document.

#### **PUBLIC NOTICE REQUIREMENTS**

Sec. 46-1526 details the public notice requirements for land use petitions, which include public notice sign(s), advertisement in The Champion newspaper, and written notice to everyone within 500 feet.

- The applicant is responsible for posting the public notice sign(s). City of Tucker Staff will order the signs(s) and provide the required timeframe for posting.
- The City of Tucker is responsible for placing the legal ad in The Champion newspaper
- The City of Tucker is responsible for mailing the written notification to surrounding property owners.

#### PROPERTY COMPLIANCE

All Occupational Tax payments must be paid in-full and any and all outstanding code violations on the property must be rectified prior to the public hearing.

RZ-24-0005

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KIRA GROUP LLC 1055 HOWELL MILL RD., 8TH FLOOR ATLANTA, GA 30318

OCTOBER 6, 2024

LETTER OF INTENT: NS TO C-1 REZONING

Dear Planning and Zoning Department,

I hope this letter finds you well. I am writing to formally express my intent to submit an application for rezoning of the property located at 5950 Hugh Holll Road. This property is currently zoned as NS, and I am seeking to have it rezoned to C-1 to better align with the future use plans I have for the site.

The purpose of this rezoning request is to accommodate a greater variety of businesses to support the community. I feel the current zoning is restrictive of several suitable business uses that would benefit the community. I believe this rezoning will positively contribute to the city's overall growth and align with the long-term vision outlined in the Tucker Tomorrow Comprehensive Plan.

I value the City of Tucker's vision for thoughtful urban planning and would welcome the opportunity to discuss this rezoning request in greater detail at your earliest convenience. Please feel free to contact me directly at 770-633-8439 or via email at jon@apxassetmgmt.com.

Thank you for your time and consideration. I look forward to working with the city to move this process forward.

Sincerely, Jon Kontopidis

ion@apxassetmgmt.com

770.633.8439

# KIRA GROUP LLC

RZ-24-0005

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OCTOBER 11, 2024

#### ENVIRONMENTAL SITE ANALYSIS FORM

Analyze the impact of the proposed rezoning and provide a written point-by-point response to Points 1 through 3:

- 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN. Describe the proposed project and the existing environmental conditions on the site. Describe adjacent properties. Include a site plan that depicts the proposed project. Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.
  - a. Property owner is seeking a rezoning. The proposed rezoning conforms to the Comprehensive Land Use Plan. The Comprehensive Plan Land Use Map shows this parcel is NC. Two adjacent properties are zoned C-1 and other shopping centers in the vicinity are C-1. The BP Gas Station to the south is zoned C-1. Environmental conditions are safe and stable. Property owner will not lease space to tenants whose business use would negatively impact the environment.
- 2. **ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT**. For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).
  - a. Wetlands Absent N/A
    - i. U. S. Fish and Wildlife Service, National Wetlands Inventory (http://wetlands.fws.gov/downloads.htm)
    - ii. Georgia Geologic Survey (404-656-3214)
    - iii. Field observation and subsequent wetlands delineation/survey if applicable
  - b. Floodplain Absent N/A
    - i. Federal Emergency Management Agency (http://www.fema.org)
    - ii. Field observation and verification
  - c. Streams/stream buffers Absent N/A
    - i. Field observation and verification
  - d. Slopes exceeding 25 percent over a 10-foot rise in elevation Absent N/A
    - i. United States Geologic Survey Topographic Quadrangle Map
    - ii. Field observation and verification
  - e. Vegetation Unaffected by rezoning. No vegetation will be added or removed.
    - i. United States Department of Agriculture, Nature Resource Conservation Service
    - ii. Field observation
  - f. Wildlife Species (including fish) Unaffected by rezoning
    - i. United States Fish and Wildlife Service
    - ii. Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
    - iii. Field observation



- g. Archeological/Historical Sites Absent N/A
  - i. Historic Resources Survey
  - ii. Georgia Department of Natural Resources, Historic Preservation Division
  - Field observation and verificationLAND USE PETITION APPLICATION -REVISED 01082024
- 3. **PROJECT IMPLEMENTATION MEASURES**. Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.
  - a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.
    - i. Absent N/A
  - b. Protection of water quality
    - i. Unaffected by rezoning
  - c. Minimization of negative impacts on existing infrastructure
    - i. Unaffected by rezoning
  - d. Minimization on archeological/historically significant areas
    - i. Unaffected by rezoning
  - e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries, and manufacturing facilities) uses.
    - i. N/A
  - f. Creation and preservation of green space and open space
    - i. Unaffected by rezoning. No green space or open space will be added or removed.
  - g. Protection of citizens from the negative impacts of noise and lighting
    - Property owner will not lease space to tenants who will negatively impact noise or lighting
  - h. Protection of parks and recreational green space
    - Absent N/A
  - i. Minimization of impacts to wildlife habitats
    - i. Wildlife habitats are unaffected by rezoning

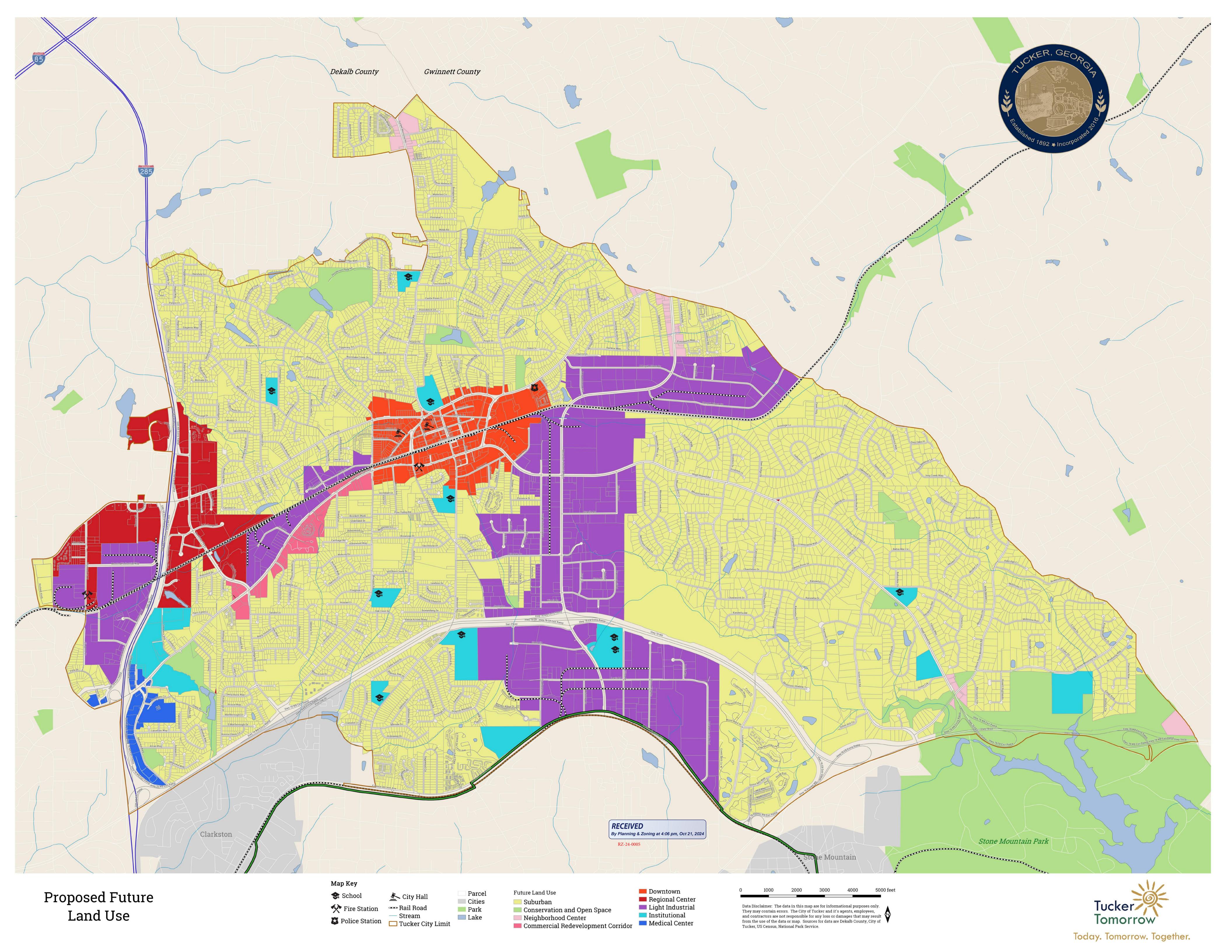
Sincerely, Jon Kontopidis

ion@apxassetmamt.com

770.633.8439



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# Sec. 46-1560. Standards and factors governing review of proposed amendments to the official zoning map.

The following standards and factors are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the official zoning map:

- (1) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.
  - a. Yes, it is.
- (2) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.
  - a. There is an adjacent property that is zoned C-1 and the other shopping centers in the vicinity are C-1 as well. We have a retail shopping center which should be C-1 also.
- (3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
  - a. We feel that the current zoning prohibits many uses that should be permissible, limiting its economic use.
- (4) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.
  - a. I don't see how it could. I'm sure it will not adversely affect usability of nearby properties.
- (5) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
  - a. We feel that the existing zoning conditions are too restrictive. There are many suitable uses for the property that are not permitted under NS which we feel are grounds to approve the rezoning proposal.
- (6) Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.
  - a. I don't see how it could. I'm sure it will not adversely affect usability of nearby properties.
- (7) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
  - a. We don't believe so. We are not expanding the size of the building and we feel that C-1 uses are just as burdensome as the NS uses.
- (8) Whether the zoning proposal adversely impacts the environment or surrounding natural resources.
  - a. We're not interested in accommodating any businesses that would adversely impact the environment. We don't want any environmental issues either.

(Ord. No. 2016-06-07, att. (7.3.5), 7-11-2016)

RZ-24-0005

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By Planning & Zoning at 4:06 pm, Oct 21, 2024

Created: 2024-04-11 17:25:25 [EST]



Julie Martin
Planning Manager
City of Tucker Department of Planning and Zoning
1975 Lakeside Parkway
Suite 350B
Tucker, GA 30084

October 11, 2024

Subject: Trip Generation Analysis - Rezoning Request for 5950 Hugh Howell Road

Dear Ms. Martin:

Traffic Solutions has been selected by Kota Properties, Inc. to provide services to conduct a trip generation analysis for an existing office building located at 5950 Hugh Howell Road in Stone Mountain, Georgia, as shown in Figure 1. The analysis as requested by the City of Tucker Department of Planning and Zoning is part of the rezoning application process.

The office building is approximately 4,660 square feet and consists of three business offices. Currently, the building is zoned NS - Neighborhood Shopping. We are requesting that the building zoning be revised to C-1 Local Commercial.

ITE Trip Generation 11 was used to analyze the land use and the number of estimated trips that will be generated on a daily basis as well as during the weekday AM and PM peak hours. In addition to the number of trips, the analysis also indicates the distribution of trips entering and exiting the site. A summary of the trips is shown in Table 1 - Trip Generation.

AM Peak Hour PM Peak Hour Land Use Code Intensity Daily Enter Exit Total Enter Exit Total Distribution 100% 82% 18% 100% 34% 66% 100% Small 712 4,660 sf 67 7 1 8 3 7 10 Office Bldg Total 67 7 1 8 3 7 10

Table 1 - Trip Generation

This information demonstrates our commitment to ensuring the rezoning aligns with community planning and traffic management standards.

The supporting documentation is attached. Please let us know if anything more is required.

Attached: Trip Generation analysis reports

RZ-24-0005

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Figure 1. Site Map



## **Small Office Building**

(712)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday

Setting/Location: General Urban/Suburban

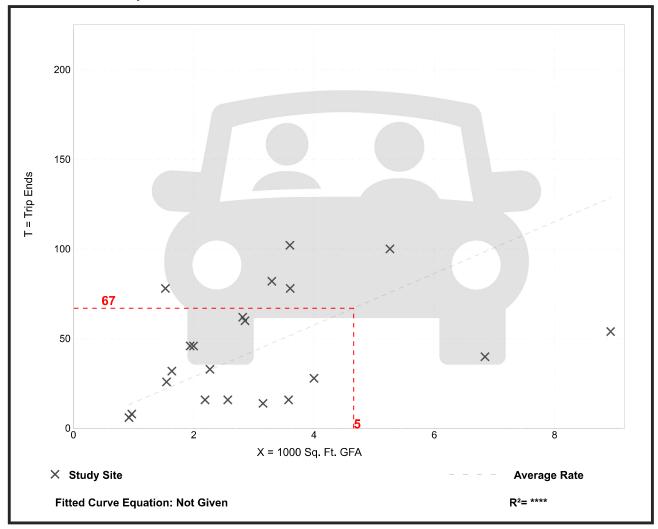
Number of Studies: 21 Avg. 1000 Sq. Ft. GFA: 3

Directional Distribution: 50% entering, 50% exiting

#### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
14.39	4.44 - 50.91	10.16

#### **Data Plot and Equation**



Trip Gen Manual, 11th Edition

• Institute of Transportation Engineers

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### **Small Office Building**

(712)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

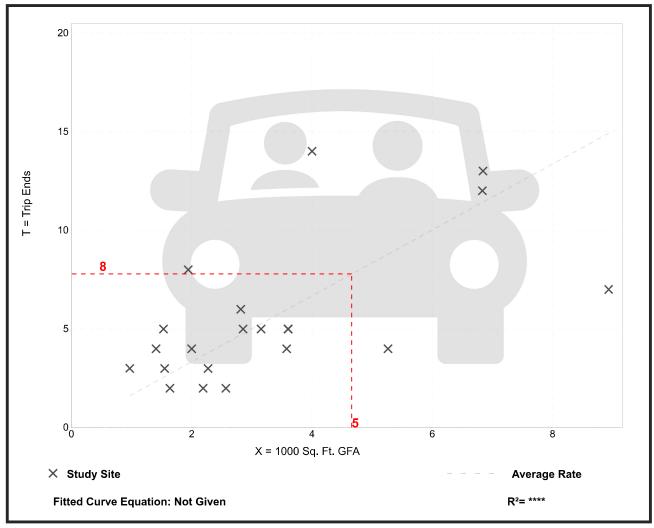
Number of Studies: 21 Avg. 1000 Sq. Ft. GFA: 3

Directional Distribution: 82% entering, 18% exiting

#### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.67	0.76 - 4.12	0.88

#### **Data Plot and Equation**



Trip Gen Manual, 11th Edition

• Institute of Transportation Engineers

### **Small Office Building**

(712)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

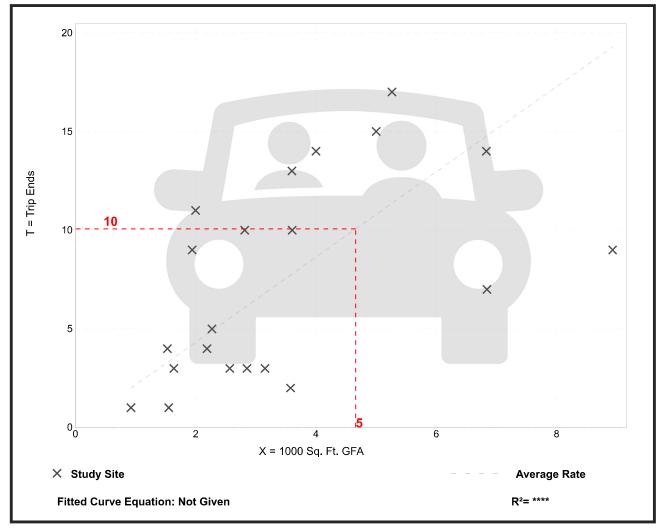
Number of Studies: 21 Avg. 1000 Sq. Ft. GFA: 3

Directional Distribution: 34% entering, 66% exiting

#### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
2.16	0.56 - 5.50	1.26

#### **Data Plot and Equation**



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